

October 20, 2005

Sharon L. Summers
Policy & Program Development Unit
Division of Medicaid and Medical Assistance
1901 North DuPont Highway
P.O. Box 906
New Castle, De. 19720-0906

RE: DMMA Drug Rebate Program Regulation [9 DE Reg. 506 (10/1/05)]

Dear Ms. Summers,

The Developmental Disabilities Council has reviewed DMMA Drug Rebate Program Regulation and we understand that DMMA proposes to add one (1) sentence to its Medicaid prescription drug program regulation to reflect its participation in a multi-state drug purchasing pool. We have the following concern to share.

Delaware plans to join a multi-state pool administered by a firm (Provider Synergies) already approved by CMS in this context. At 506, DMMA provides assurances that participation in the purchasing pool will not affect its individual PDL. In other words, DMMA does not intend to define its PDL based on a multi-state list. And yet, we understand that Provider Synergies currently is a consultant for EDS, the agency that DMMA contracts with to manage the system and make recommendations for our PDL. We are concerned as citizens and taxpayers that a potential conflict of interest may be present in this relationship.

We strongly encourage the DMMA to keep a close eye on this process and the development of the PDL for Delaware so that we do not end up with a PDL that is comprised of only generic medications for Medicaid recipients. We also strongly encourage that Provider Synergies, EDS, and the members of the PDL review committee adhere to a strict disclosure of conflict of interest while doing business in Delaware.

Thank you for your consideration of our comments. Should you have questions regarding these recommendations please contact our office at 739-3333.

Sincerely,

Jamie Wolfe
Chair

cc. Governor's Advisory Council of Exceptional Citizens
State Council of Persons with Disabilities